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May 1, 2023

Hon. Lewis J. Liman, U.S.D.J.  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

*Via ECF*

Re: **689 Eatery Corp., etc. et ano. v. City of New York, et al.,**  
**Docket No. 02 CV 4431 (LJL) (“Action No. 1”)**

**59 Murray Enterprises, Inc. etc., et ano. v. City of New York, et al.,**  
**Docket No. 02 CV 4432 (LJL) (“Action No. 2”)**

**Club at 60th Street, et al. v. City of New York**  
**Docket No. 02 CV 8333 (LJL) (“Action No. 3”)**

**336 LLC, etc, et al. v. City of New York**  
**Docket No. 18 CV 3732 (LJL) (“Action No. 4”)**

Dear Judge Liman:

We represent the plaintiffs in Action No. 2 and write on behalf of all counsel, further to counsels’ conference with the Court on April 17, 2023, to report regarding the following and request re-setting of filing deadlines accordingly.

1. **Consolidation of Joint Statement / Stipulations of Fact:** As requested by the Court, a consolidated, single statement of stipulated facts (including any new facts that may be added by Plaintiffs and the Defendants) (“Consolidated

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Statement of Stipulated Facts”) will be filed. Counsel presently anticipate this will be accomplished by May 19, 2023.<sup>1</sup>

2. **Revised Memoranda of Law:** Once the Consolidated Statement of Stipulated Facts is filed, all of the memoranda filed to date in connection with the Plaintiffs’ Motions for Partial Summary Judgment, the City’s Motions for Summary Judgment, and the Plaintiffs’ Cross-Motions for Summary Judgment, will have to be revised to cross-reference to the Consolidated Statement. (No other changes will be made.) Counsel presently anticipate this will take one week after the Consolidated Statement is filed, so, assuming the Consolidated Statement of Stipulated Facts is timely filed, the revised previously filed documents would be re-filed by May 26, 2023. If for any reason the Consolidated Statement of Stipulated Facts cannot be timely filed, the parties will inform the Court in advance of the reasons why that deadline cannot be met and suggest a revised deadline, but, at present, believe the deadline above can be met. Unless the Court instructs otherwise, these revised memoranda of law will be denominated as “Refiled” documents, *e.g.*, “Plaintiffs’ Refiled Memorandum of Law in Support of Their Motions for Partial Summary Judgment,” etc., rather than being called “Revised,” “Corrected” or “Amended.”
3. **Further Filings:** As of the date of this letter, the following are due May 19, 2023: Plaintiffs’ replies on their motions for partial summary judgment; Defendants’ reply on their motions for summary judgment, and Defendants’ opposition to Plaintiffs’ cross-motions for summary judgment (collectively, “Further Filings”). Based on the above, counsel propose that the due date for the Further Filings be extended to two weeks after the Revised Memoranda of Law are filed and concomitantly that the due date for the Plaintiffs’ replies on their cross-motions for summary judgment (presently due on May 19, 2023) be extended to one month after the filing of the Further Filings, *inter alia* to allow for response to the Defendants’ new data and analysis.<sup>2</sup>

Should the Court wish to further conference this matter, counsel are, of course, available to do so at the convenience of the Court.

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<sup>1</sup> Counsel anticipate that a stipulation of additional facts will be agreed upon. However, Plaintiffs respectfully reserve the right to seek discovery with respect to these additional facts, if needed, in the unlikely event that a further stipulation cannot be achieved.

<sup>2</sup> Plaintiffs’ replies on their cross-motion will also be submitted in further opposition to Defendants’ motion for summary judgment to the extent that Defendants rely on their new data/analysis in support of their motion.

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Respectfully,

s/ Edward S. Rudofsky

Edward S. Rudofsky

Cc: All Counsel (Via ECF)